



# INTERNATIONAL ENVIRONMENTAL LAW

## VOLUME II

Professor Jutta Brunnee

Spring 2009

BORA LASKIN LAW LIBRARY

JAN - 7 2009

FACULTY OF LAW  
UNIVERSITY OF TORONTO

**INTERNATIONAL ENVIRONMENTAL LAW**

**VOLUME II**

**Professor Jutta Brunnee**

**Spring 2009**



Digitized by the Internet Archive  
in 2018 with funding from  
University of Toronto

<https://archive.org/details/internationalen02brun>

# INTERNATIONAL ENVIRONMENTAL LAW

Professor Jutta Brunnée

## Table of Contents

### I. Introduction: Course Themes

UNEP, <i>Global Environmental Outlook - GEO-4</i> , Ch. 1 “Environment for Development” (pp. 6-34); (Valetta, Malta: Progress Press, 2007).....	1
D. Bodansky, J. Brunnée & E. Hey, “International Environmental Law: Mapping the Field,” in Bodansky, Brunnée & Hey, eds., <i>Oxford Handbook of International Environmental Law</i> (Oxford: OUP, 2007) 1-25.....	30
P. Malanczuk, <i>Akehurst’s Modern Introduction to International Law</i> , 7 <sup>th</sup> rev. ed. (London: Routledge, 1997), 1-8.....	43
R. Higgins, <i>Problems and Process, International Law and How We Use It</i> (Oxford: Clarendon Press, 1995) at 1-16.....	48
Article 38, <i>Statute of the International Court of Justice</i> .....	57
K. W. Danish, “International Relations Theory,” in Bodansky, Brunnée & Hey, eds., <i>Oxford Handbook of International Environmental Law</i> (Oxford: OUP, 2007) 206-230.....	58
K. Mickelson, “Critical Approaches,” in Bodansky, Brunnée & Hey, eds., <i>Oxford Handbook of International Environmental Law</i> (Oxford: OUP, 2007) 262-289.....	71

### II. Principles of International Environmental Law

<i>Trail Smelter Case (United States v. Canada)</i> (1949) 3 U.N. Rep. Int'l Arb. Awards 1905, 1908, 1938, 1940, 1945, 1962, 1963-1966.....	85
<i>Corfu Channel (U.K. v. Albania)</i> (1949) I.C.J. Rep. 4, 22-23.....	88
<i>Lake Lanoux (France v. Spain)</i> (1957) I.L.R. 101, 127-129, 140-141.....	89
<i>Nuclear Tests (Australia v. France) Interim Protection, Order of June 22, 1973</i> I.C.J. Rep. 99, 99-106.....	91
International Court of Justice, <i>Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons</i> , 8 July 1996, paras. 27-37, 105.....	93



International Court of Justice, *Case Concerning the Gabčíkovo-Nagymaros Project (Hungary/Slovakia)*, 25 September 1997, paras. 39-59, 72-79, 82-87, 135-147 [reproduced in Part 4, below].

WTO, *EC Measures Concerning Meat and Meat Products (Hormones)*, WTO Doc. WT/DS26/AB/R, WT/DS48/AB/R [reproduced in Part VIII, below]

ITLOS, *Southern Bluefin Tuna cases (New Zealand v. Japan; Australia v. Japan)*, ITLOS/Press 28 (27 August 1999).....97

ITLOS, *Southern Bluefin Tuna cases (New Zealand v. Japan; Australia v. Japan)*, Provisional Measures, (1999) I.T.L.O.S. nos. 3&4, paras. 77-79.....100

ITLOS, *Southern Bluefin Tuna cases (New Zealand v. Japan; Australia v. Japan)*, Provisional Measures, (1999) I.T.L.O.S. nos. 3&4, Separate Opinions of Judge Laing (paras. 12-19), and Judge Treves (paras. 6-9).....102

Spraytech (Société d'arrosage) v. Hudson (Town), 2001 SCC 40.....107

*Stockholm Declaration on the Human Environment*, (1972) 11 I.L.M. 1416.....109

*Rio Declaration on Environment and Development*, (1992) 31 I.L.M. 876.....112

Johannesburg Declaration on Sustainable Development, A/CONF.199/20 (2002), p. 1-5.....117

IUCN, *Draft International Covenant on Environment and Development* (World Conservation Union, 1995).....122

G. Handl, "Environmental Security and Global Change: The Challenge to International Law" (1990) 1 *Y.B. Int'l Env. L.* 20-33.....118

U. Beyerlin, "Bridging the North-South Divide in International Environmental Law," (2006) 66 *ZaöRV* 259, at 259-288.....148

K. Mickelson, "South, North, International Environmental Law and International Environmental Lawyers" (2001) [reproduced in Part IV, below].

Susan Biniarz, "Common But Differentiated Responsibility - Remarks," in American Society of International Law, *Proceedings of the Annual Meeting* (2002), 359-363. [reproduced in Part IV, below].

J. Brunnée, "A Conceptual Framework for an International Forests Convention: Customary Law and Emerging Principles" in Canadian Council on International Law, *Global Forests and International Environmental Law* at 55-62 [reproduced in Part VI, below].

### III. Transboundary Pollution: Acid Rain

- J. Regens & R. Rycroft, *The Acid Rain Controversy* (Pittsburgh: University of Pittsburgh Press, 1988) at 35-37, 39, 48-51.....164
- UNEP, *Global Environmental Outlook - GEO-4*, Ch. 2 “Atmosphere” (Valetta, Malta: Progress Press, 2007), pp. 52-59.....168
- M. Mittelstaedt, “Acid rain warning sounded,” *The Globe and Mail* (26 March 2001) A.7.....176
- Commission for Environmental Cooperation (CEC), “North American Power Plant Emissions – 2002 Emissions,” (CEC, 2004), pp. 12-17.....177
- Matthew Preusch, “Pollution Dispute in Northwest Straddles the Border,” *New York Times*, March 20, 2004 A.8.....185
- Teck Cominco, “U.S. Supreme Court Denies Teck Cominco's Petition for Review and Reversal” (Media Release 8-01-TC) .....187
- ECE Convention on Long-Range Transboundary Air Pollution* (1979).....188
- Protocol to the 1979 Convention on Long-range Transboundary Air Pollution on the Reduction of Sulfur Emissions or Their Transboundary Fluxes by at Least 30 Percent* (1985).....196
- Protocol to the 1979 Convention on Long-range Transboundary Air Pollution on Further Reduction of Sulphur Emissions* (1994).....201
- Convention on Long-Range Transboundary Air Pollution (Executive Body), Decision 1997/2 Concerning the Implementation Committee, Its Structure and Functions and Procedures for Review of Compliance.....208
- Questions for Treaty Analysis.....211
- T. Gehring, “Treaty-Making and Treaty Evolution,” in Bodansky, Brunnée & Hey, eds., *Oxford Handbook of International Environmental Law* (Oxford: OUP, 2007) 467-497.....213
- G. Downs *et al.*, “The Transformational Model of International Regime Design: Triumph of Hope or Experience?” (2000) 38 Col. J. of Transnt’l Law 465at 465, 469-476.....229
- Memorandum of Intent Between the Government of Canada and the Government of the United States of America Concerning Transboundary Air Pollution* (1980) 32 U.S.T. 2522.....234
- Agreement between the Government of the United States of America and the Government of Canada on Air Quality* (1991) 30 I.L.M. 676.....239



#### IV. Transboundary Pollution: Shared Freshwater Resources

UNEP, <i>Global Environmental Outlook - GEO-4</i> , Ch. 4 “Water” (Valetta, Malta: Progress Press, 2007), p. 115, 118-122.....	247
J. Ibbitson, “Who’ll stop draining of Devil’s Lake?” (Globe and Mail: July 12, 2005).....	253
International Law Association, <i>Helsinki Rules</i> (1966).....	256
1994 ILC Draft Articles on the Law of the Non-Navigational Uses of International Watercourses, Arts. 5-7.....	260
United Nations, <i>Convention on the Law of the Non-Navigational Uses of International Watercourses</i> , 21 May 1997, Preamble, Arts. 1-10, 20-25, 36.....	262
International Law Association, <i>Berlin Rules on Water Resources</i> (2004), Articles 1, 7, 8, and 10-16.....	267
S. McCaffrey, “Water, Politics and International Law” in P. Gleick, ed., <i>Water in Crisis</i> (New York: Oxford University Press, 1993) at 97-100.....	270
C. Bourne, “The International Law Commission's Draft Articles on the Law of International Watercourses: Principles and Planned Measures” (1992) 3 Colo. J. Int'l Env. L. & Pol'y 82-92.....	274
J. Lammers, “Commentary of Papers Presented by Charles Bourne and Alberto Szekely” (1992) 3 Colo. J. Int'l Env. L. & Pol'y 103-109.....	280
G. Handl, “The International Law Commission's Draft Articles on the Law of International Watercourses (General Principles and Planned Measures): Progressive or Retrogressive Development of International Law?” (1992) 3 Colo. J. Int'l Env. L. & Pol'y 129-133.....	283
<i>ECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes</i> (1992) 31 I.L.M. 1312.....	286
J. Brunnée & S. Toope, “Environmental Security and Freshwater Resources: a Case for International Ecosystem Law” (1994) 5 Y.B. Int'l Env. L. 42-47, 53-75.....	299
International Court of Justice, <i>Case Concerning the Gabčíkovo-Nagymaros Project (Hungary/Slovakia)</i> , 25 September 1997, paras. 15-25 (summary), 39-59, 72-79, 82-87, 135-147.....	308
A.E. Boyle, “The Gabčíkovo-Nagymaros Case: New Law in Old Bottles” at 13-20.....	325



## V. Global Commons: Ozone Depletion

M. Lemonick, "The Ozone Vanishes" <i>TIME</i> (17 February 1992) 40.....	331
UNEP, <i>Global Environmental Outlook - GEO-4</i> , Ch. 2 "Atmosphere" (Valetta, Malta: Progress Press, 2007), pp. 68-71.....	334
D. Albritton, "Dealing with Uncertainty: A Challenge for Science" in W. Land, ed., <i>The Ozone Treaties and Their Influence on the Building of International Environmental Regimes</i> , Austrian Federal Ministry for Foreign Affairs 37-42.....	338
F. Stewart, "The Role of the South in a Chaotic World" in A. Carty & H. Singer, eds., <i>Conflict and Change in the 1990s: Ethics, Laws and Institutions</i> (Houndsmills, Hampshire: Macmillan, 1993).....	341
K. Mickelson, "South, North, International Environmental Law and International Environmental Lawyers" (2001) pp. 52-54, 69-77.....	350
Susan Biniaz, "Common But Differentiated Responsibility - Remarks," in American Society of International Law, <i>Proceedings of the Annual Meeting</i> (2002), 359-363.....	357
Global Commons: Exploring the Ozone Regime.....	361
<i>Vienna Convention for the Protection of the Ozone Layer</i> (1985).....	362
Montreal Protocol on Substances that Deplete the Ozone Layer (1987) as adjusted and amended in 1990, 1992, & 1995.....	372
Amendments to Montreal Protocol.....	391
Adjustments to Montreal Protocol.....	392

## VI. Conservation of Natural Resources: Forests

UNEP, <i>Global Environmental Outlook - GEO-4</i> , Ch. 3 "Land" (Valetta, Malta: Progress Press, 2007), pp. 88-91.....	393
U. Beyerlin, "Bridging the North-South Divide in International Environmental Law," (2006) 66 <i>ZaöRV</i> 259, at 259-288 [reproduced in Part II, above].	
D. Tarlock, "Exclusive Sovereignty versus Sustainable Development of a Shared Resource: The Dilemma of Latin American Rainforest Management" (1997) 32 <i>Texas Intl L. J.</i> 37-66.....	397

- J. Brunnée, “A Conceptual Framework for an International Forests Convention: Customary Law and Emerging Principles” in Canadian Council on International Law, *Global Forests and International Environmental Law* at 55-62.....411
- P. Sands, *Principles of International Environmental Law*, 2<sup>nd</sup> Ed. (Cambridge: Cambridge University Press, 2003), Ch. 11 “Biological Diversity,” pp. 545-551.....413
- United Nations Conference on Environment and Development, *Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests*.....417
- Helsinki Forest Meeting, *General Declaration: Conclusions* (1993).....424
- Ministerial Conference on the Protection of Forests in Europe, *General Guidelines for the Sustainable Management of Forests in Europe*, Resolutions H1, H3 and H4.....428
- Deborah S. Davenport and Peter Wood, “Finding the Way Forward for the International Arrangement on Forests: UNFF-5, -6, and -7” (2006) 15:3 RECIEL 316.....436
- Summary of the Seventh Session of the United Nations Forum on Forests: 16–27 April 2007, *Earth Negotiations Bulletin*, Vol. 13 No. 162, 30 April 2007, pp. 1-19.....447

## VII. Global Commons: Climate Change

- UNEP, *Global Environmental Outlook - GEO-4*, Ch. 2 “Atmosphere” (Valetta, Malta: Progress Press, 2007), pp. 59-68.....466
- David A. King, “Climate Change Science: Adapt, Mitigate or Ignore?” (2004) 303 *Science*, pp.176-177 (January 9 2004).....476
- UK Treasury, *Stern Review: The Economics of Climate Change*, Summary of Conclusions (30 Oct 2006), .....480
- Tuvalu, *Climate Change and International Law*. Excerpts from: BBC News Online, “Tiny Pacific nation takes on Australia,” (Monday, 4 March, 2002); Intergovernmental Panel on Climate Change, *Climate Change 2001: Impacts, Adaptation and Vulnerability* (Section 19.3.4.1.); AFP, “Tuvalu showing no evidence of sea-level rise,” (March 27, 2002); and Kalinga Seneviratne, “Tuvalu Steps Up Threat to Sue Australia, U.S.,” (September 8, 2002 - IPS/PINA Nius Online).....484
- J.W. Anderson, “The UN Framework Convention on Climate Change” in *The Weathervane Guide to Climate Policy*.....488
- United Nations Framework Convention on Climate Change, available at <http://www.unfccc.de/resource/conv/conv.html>.....490



J.W. Anderson, "A Brief History of the Kyoto Protocol" in <i>The Weathervane Guide to Climate Policy</i> .....	505
J.W. Anderson, "Overview of the Kyoto Protocol" in <i>The Weathervane Guide to Climate Policy</i> .....	511
<i>Kyoto Protocol to the United Nations Framework Convention on Climate Change</i> , available at <a href="http://www.unfccc.de/resource/docs/convkp/kpeng.html">http://www.unfccc.de/resource/docs/convkp/kpeng.html</a> .....	513
Calculating Compliance with Assigned Amounts (targets).....	527
H. Ott, "The Bonn Agreement to the Kyoto Protocol – Paving the Way for Ratification," (2001) 1 International Environmental Agreements: Politics, Law and Economics 469.....	528
Jutta Brunnée, "Shifting the Global Climate Debate: When Bad News is Good News," NEXUS, Fall 2007, pp. 31-33.....	536
L. Rajamani, "China and India on Climate Change and Development: A Stance That is Legitimate but Not Sagacious?", in S. Bernstein, J. Brunnée, D. G. Duff & A. J. Green, eds., <i>A Globally Integrated Climate Policy for Canada</i> (Toronto: University of Toronto Press, 2008) 104.....	539
UNFCCC, Bali Action Plan, FCCC/CP/2007/6/Add.1 (18 March 2008), Decision 1/CP 13, pp. 3-7.....	551
Elizabeth Burleson, "The Bali Climate Change Conference," ASIL Insight Vol. 12/4 (March 18, 2008).....	556
Daniel Bodansky & Elliot Diringer, <i>Towards an Integrated Multi-Track Climate Framework</i> (Pew Center on Global Climate Change, December 2007), pp. 1-6.....	563
 <u>VIII. Cross-Cutting Issues: Trade and Environment</u>	
(1994) Agreement Establishing the World Trade Organization.....	569
United States - Restrictions on Imports of Tuna DS21/R - 39S/155 (1991).....	573
United States - Restrictions on Imports of Tuna DS29/R (1994).....	579
United States - Import Prohibition of Certain Shrimp and Shrimp Products WT/DS58/AB/RW (2001).....	589
T.J. Schoenbaum, "The Decision in the <i>Shrimp-Turtle</i> Case" (1998) 9 Yb. Of Int'l Env. Law 36-39.....	600

J. Atik, “Two Hopeful Readings of <i>Shrimp-Turtle</i> ” (1998) 9 Yb. Of Int’l Env. Law 6-12.....	602
D. Brack, “The <i>Shrimp-Turtle</i> Case: Implications for the Multilateral Environmental Agreement- World Trade Organization Debate” (1998) 9 Yb. Of Int’l Env. Law 13-19.....	605
Article 30, <i>Vienna Convention on the Law of Treaties</i> .....	609
WTO, <i>EC Measures Concerning Meat and Meat Products (Hormones)</i> , WTO Doc. WT/DS26/AB/R, WT/DS48/AB/R.....	610
ITLOS, <i>Southern Bluefin Tuna</i> cases ( <i>New Zealand v. Japan; Australia v. Japan</i> ), ITLOS/Press 28 (27 August 1999) [reproduced in Part II above]	
ITLOS, <i>Southern Bluefin Tuna</i> cases ( <i>New Zealand v. Japan; Australia v. Japan</i> ), Provisional Measures, (1999) I.T.L.O.S. nos. 3&4, paras. 77-79 [reproduced in Part II above]	
ITLOS, <i>Southern Bluefin Tuna</i> cases ( <i>New Zealand v. Japan; Australia v. Japan</i> ), Provisional Measures, (1999) I.T.L.O.S. nos. 3&4, Separate Opinions of Judge Laing (paras. 12-19), and Judge Treves (paras. 6-9) [reproduced in Part II above]	
<i>Cartagena Protocol on Biosafety to the Convention on Biological Diversity</i> .....	612
P. Sands, <i>Principles of International Environmental Law</i> , 2 <sup>nd</sup> Ed. (Cambridge: Cambridge University Press, 2003), Ch. 12 “Hazardous Substances and Activities,” pp. 653-658.....	615
E. Masood, “Against the Grain” <i>New Scientist</i> (14 January 2000).....	619
N. Kalaitzandonakes, “Cartagena Protocol: A New Trade Barrier?” (2006) <i>Regulation</i> 18.....	621
 <u>IX. Cross-Cutting Issues: Responsibility, Liability, Compliance and Enforcement</u>	
Jaqueline Peel, “New State Responsibility Rules and Compliance with Multilateral Environmental Obligations: Some Case Studies of How the New Rules Might Apply in the International Environmental Context,” (2001) 10 <i>RECIEL</i> 82-87, 96-97.....	629
ILC, <i>Report on the Work of its 52<sup>nd</sup> Session</i> , A/CN.4/L.602, excerpts.....	637
J. Brunnée, “Of Sense and Sensibility: International Liability Regimes as a Tool for Environmental Protection,” (2004) 53/2 <i>International &amp; Comparative Law Quarterly</i> 351-367.....	644
UNCED Preparatory Committee, Decision 3/25, A/46/48, vol. II, <i>Criteria for Evaluating the Effectiveness of Existing Agreements or Instruments</i> .....	653



A. Handler Chayes, Abram Chayes and R.B. Mitchell, "Active Compliance Management in Environmental Treaties" in W. Land, ed., <i>Sustainable Development and International Law</i> (London: Kluwer, 1995) 75-89.....	657
G. Downs <i>et al.</i> , "Is the Good News About Compliance Good News About Cooperation?" in (1996) 50 <i>International Organization</i> .....	665
Jan Klabbers, "Compliance Procedures," in Bodansky, Brunnée & Hey, eds., <i>Oxford Handbook of International Environmental Law</i> (Oxford: OUP, 2007), p. 997.....	670
Non-Compliance Procedures, <i>Montreal Protocol on Substances that Deplete the Ozone Layer</i> .....	676
G. Handl, "Compliance Control Mechanisms and International Environmental Obligations" (1997) 5 <i>Tulane J Int'l &amp; Comp L</i> 29.....	679
Procedures and mechanisms on compliance under the Kyoto Protocol, FCCC/CP/2001/L.21.....	690
D. Bodansky, "Customary (And Not So Customary) International Environmental Law" (1995) 3 <i>Indiana J. Global Leg. Studies</i> 112-119.....	706

## Further Reading -- Selected Sources

### 1. Introduction – Course Themes

#### International Environmental Law as Branch of Public International Law

P.W. Birnie & A.E. Boyle, *International Law and the Environment*, 2<sup>nd</sup> ed. (Oxford: Clarendon Press, 2002) c. 1.

D. Hunter *et al.*, eds., *International Environmental Law and Policy* (New York: Foundation Press, 1998).

A. Kiss & D. Shelton, *International Environmental Law*, 3<sup>rd</sup> ed. (Dobbs Ferry: Transnational Publishers, 2004).

P. Sands, *Principles of International Environmental Law*, 2<sup>nd</sup> Ed. (Cambridge: Cambridge University Press, 2003) Ch. 4.

#### Challenges to International Environmental Law

R. Anand, 'International Environmental Justice: A North-South Dimension' (2002) 1 *Int'l J. of Pol. & Ethics* 241.

J.S. Anaya, "Environmentalism, Human Rights and Indigenous Peoples: A Tale of Converging and Diverging Interests" (1999-2000) 7 *Buff. Env'tl. L.J.* 1.

F. Biermann & K. Dingwerth, "Global Environmental Change and the Nation State" (2003) 4 *Global Environmental Governance* 1-22.

Daniel Bodansky, "The Legitimacy of International Governance: A Coming Challenge for International Environmental Law?" (1999) 93 *Am. J. Int'l L.* 596.

R. Grove, "Climatic Fears: Colonialism and the History of Environmentalism" (Winter 2002) *Harvard Int'l Rev.* 50.

B.C. Karkkainen, "Post-Sovereign Environmental Governance" (2003) 4 *Global Environmental Governance* 72-96.

K. Mickelson, "South, North, International Environmental Law, and International Environmental Lawyers" (2000) 11 *Yearbook of International Environmental Law* 52

D. Rodrik, *Has Globalization Gone Too Far?* (Institute for International Economics, 1997).

J.G. Ruggie, "Territoriality and Beyond: Problematique" (1996) 47 *International Organization* 139.

H. Shue, 'Global Environment and International Inequality', (1999) 75 *International Affairs* 531.

J. Wiener, "On the Political Economy of Global Environmental Regulation" (1999) 87 *Geo. L.J.* 749.

### Typology of International Environmental Problems

United Nations Environment Programme, *Global Environment Outlook - GEO 4* (Valetta, Malta: Progress Press, 2007) [<http://www.unep.org/geo/geo4/media/>]

World Resources Institute, *World Resources 2005 – The Wealth of the Poor: Managing Ecosystems to Fight Poverty* [available at [http://archive.wri.org/publication\\_detail.cfm?pubid=4073](http://archive.wri.org/publication_detail.cfm?pubid=4073)]

### Normative or Regime-Oriented Approaches

K.W. Abbott, "Modern International Relations Theory: A Prospectus for International Lawyers" (1989) 14 *Yale J. Int'l L.* 335.

S. Barrett, *Environment and Statecraft: The Strategy of Environmental Treaty-making* (Oxford: Oxford University Press, 2003).

D. Bodansky, "Customary (And Not so Customary) International Environmental Law" (1995) 3 *Indiana J. Global Leg. Stud.* 105.

G.W. Downs *et al.*, "The Transformational Model of International Regime Design: Triumph of Hope or Experience?" (2000) 38 *Colum. J. Transnat'l L.* 465.

M. Finus, *Game Theory and International Environmental Cooperation* (Northampton, Mass.: Edward Elgar, 2000).

P.M. Haas, "Do Regimes Matter? Epistemic Communities and Mediterranean Pollution Control" (1989) 43 *International Organization* 377.

D. Victor *et al.*, eds., *The Implementation and Effectiveness of International Environmental Commitments: Theory and Practice* (Cambridge, Mass: MIT Press, 1998).

O.R. Young, ed., *The Effectiveness of International Environmental Regimes: Causal Connections and Behavioral Mechanisms* (1999).

UNEP, *International Environmental Governance: Multilateral Environmental Agreements (MEAs)*, UNEP/IGM/2/INF/3 (10 July 2001).



## 2. Principles of International Environmental Law

### Established Principles

P.W. Birnie & A.E. Boyle, *International and the Environment*, 2<sup>nd</sup> ed. (Oxford: Clarendon Press, 2002) Ch. 3.

J. Brunnée, “The Stockholm Declaration and the Structure and Processes of International Environmental Law,” in Myron H. Nordquist, *et al.*, eds., *The Stockholm Declaration and the Law of the Marine Environment* 67-84 (Martinus Nijhoff Publishers, 2003).

G. Handl, “Territorial Sovereignty and the Problem of Transnational Pollution” (1975) 69 A.J.I.L. 50.

L.B. Sohn, “The Stockholm Declaration on the Human Environment” (1973) 14 Harv. Int’l L.J. 423.

### Emerging Principles

E.B. Weiss, *In Fairness to Future Generations: International Law, Common Patrimony and Intergenerational Equity* (Dobbs Ferry, N.Y.: Transnational Publishers, 1989).

W. Lang, ed., *Sustainable Development and International Law* (London: Graham & Trotman, 1995) Chs. 3-5.

G. Maggio, “Inter/Intra-Generational Equity: Current Applications under International Law for Promoting Sustainable Development of Natural Resources” (1997) 4 Buffalo Environmental Law Journal 161.

M. McCloskey, “The Emperor has no Clothes: The Conundrum of Sustainable Development” (1999) 9 Duke Envtl. L. & Pol’y F. 153.

N. De Sadeleer, *Environmental Principles – From Political Slogans to Legal Rules* (Oxford: Oxford University Press, 2002).

P. Sands, *Principles of International Environmental Law*, 2<sup>nd</sup> Ed. (Cambridge: Cambridge University Press, 2003), Ch. 6, “General Principles and Rules,” pp. 231-290.

C.D. Stone, “Common But Differentiated Responsibilities in International Law,” (2004) 98 *Am. J. Int’l L.* 276.

Symposium on *The Case Concerning Gabčíkovo-Nagymaros Project* (1997) 8 Y.B. Int’l Env. L. 3-50.

Symposium on *The Southern Bluefin Tuna Cases* (1999) 10 Y.B. Int’l Env. L. 3-47.



A. Trouwborst, *Evolution and Status of the Precautionary Principle in International Law* (Kluwer, 2002).

D.A. Wirth, "The Rio Declaration on Environment and Development: Two Steps Forward and One Back, Or Vice Versa?" (1995) 29 *Geo. L. Rev.* 599.

World Commission on Environment and Development, *Our Common Future* (Oxford: Oxford University Press, 1987).

### Shifting Paradigms - From Sovereignty to Ecosystem Focus

M. Belsky, "Using Legal Principles to Promote the "Health" of an Ecosystem" (1996) 3 *Tulsa Journal of Comparative & International Law* 183 at 200.

J. Brunnée & S.J. Toope, "Environmental Security and Freshwater Resources: A Case for International Ecosystem Law" (1994) 5 *Y.B. Int'l Env. L.* 41.

J. Brunnée & S.J. Toope, "Environmental Security and Freshwater Resources: Ecosystem Regime Building" (1997) 91 *A.J.I.L.* 26.

L.B. Dworsky, "Ecosystem Management: Great Lakes Perspectives" (1993) 33 *Natural Resources Journal* 347.

O. McIntyre, "The Emergence of an 'Ecosystem Approach' to the Protection of International Watercourses under International Law," (2004) 13 *RECIEL* 1.

D. Tarlock, "Ecosystems," in D. Bodansky, J. Brunnée & E. Hey (eds.), *Oxford Handbook of International Environmental Law* (Oxford: Oxford University Press, 2007) 574.

### 3. Transboundary Pollution – Acid Rain

#### Typology of the Problem

J. Brunnée, *Acid Rain and Ozone Layer Depletion: International Law and Regulation* (Dobbs Ferry: Transnational Publishers, 1988) at 5-34.

J. McCormick, *Acid Earth: The Global Threat of Acid Pollution* (London: Earthscan, 1985).

Gerald Robert Visgilio, *Acid in the Environment: Lessons Learned and Future Prospects* (New York: Springer, 2007)

### Role of Customary Law and Treaties

N. Bankes & J.O. Saunders, "Acid Rain: Multilateral and Bilateral Approaches to Transboundary Pollution under International Law" (1984) 33 *University of New Brunswick Law Review* 155.

J. Brunnée, *Acid Rain and Ozone Layer Depletion: International Law and Regulation* (Dobbs Ferry: Transnational Publishers, 1988).

Xue Hanqin, *Transboundary Damage in International Law* (Cambridge: Cambridge University Press, 2003).

I. Rowlands, "Atmosphere and Outer Space," in D. Bodansky, J. Brunnée & E. Hey (eds.), *Oxford Handbook of International Environmental Law* (Oxford: Oxford University Press, 2007) 315.

### 4. Transboundary Pollution – Shared Freshwater Resources

#### Typology of the Problem

R. Clarke, *Water: The International Crisis* (Cambridge, Mass.: MIT Press, 1993).

P.H. Gleick, ed., *Water in Crisis: A Guide to the World's Fresh Water Resources* (New York: Oxford University Press, 1993).

G.J. Young, J.C.I. Dooge & J.C. Rodda, eds., *Global Water Resources Issues* (Cambridge: Cambridge University Press, 1994).

### The Role of Customary Law and Treaties

J. Albert, "Rethinking the Management of Transboundary Freshwater Resources: A Critical Examination of Modern International Law and Practice" (2000) 24 *Natural Resources Forum* 21

P.H.F. Bekker, "*Gabcikovo-Nagymaros Project*" (1998) 92 *A.J.I.L.* 273.

P.W. Birnie & A.E. Boyle, *International Law and the Environment*, 2<sup>nd</sup> ed. (Oxford: Clarendon Press, 2002) ch. 6.

C. Bourne, "International Law on Shared Fresh Water Resources" (1986) *Queen's Law Journal* (Special Issue on International Law) 342.

X. Fuentes, "Sustainable Development and the Equitable Utilization of International Watercourses" (1998) 69 *British Yearbook of International Law* 119.

Noah D. Hall, "Transboundary Pollution: Harmonizing International and Domestic Law" (Summer 2007) 40:4 University of Michigan Journal of Law Reform 681.

P. Sands, *Principles of International Environmental Law*, 2<sup>nd</sup> Ed. (Cambridge: Cambridge University Press, 2003), Ch. 10 "Freshwater Resources," pp. 459-498.

P. Wouters, "An Assessment of Recent Developments in International Watercourse Law Through the Prism of the Substantive Rules Governing Use Allocation" (1996) 36 Natural Resources Journal 417.

#### The Work of the International Law Commission

"Doman Colloquium on the Law of International Watercourses" (1992) 3 Colorado Journal of International Environmental Law and Policy 1 – 333.

G. Hafner & H. Pearson, "The Work of the International Law Commission in the Field of the Environment" (2000) 11 Y.B. Int'l Env. L. 3.

A. Nollkaemper, "The Contribution of the International Law Commission to International Water Law: Does it Reverse the Flight from Substance?" (1996) 27 Netherlands Yearbook of International Law 39.

#### The UN Watercourses Convention

E. Hey, "The Watercourses Convention: To What Extent Does it Provide a Basis for Regulating Uses of International Watercourses?" (1998) 7 Review of European and International Environmental Law 291.

D. Freestone & S.M.A. Salman, "Oceans and Freshwater Resources," in D. Bodansky, J. Brunnée & E. Hey (eds.), *Oxford Handbook of International Environmental Law* (Oxford: Oxford University Press, 2007) 337.

S.C. McCaffrey & M. Sinjela, "The 1997 United Nations Convention on International Watercourses," (1998) 92 Am. J. Int'l L. 97.

A. Schwabach, "The United Nations Convention on the Law of Non-Navigational Uses of International Watercourses, Customary International Law, and the Interests of Developing Upper Riparians" (1998) 33 Tex. Int'l. L.J. 257.

A. Tanzi, "The UN Convention on International Watercourses as a Framework for the Avoidance and Settlement of Waterlaw Disputes" (1998) 11 Leiden Journal of International Law 441.



## Sharing Freshwater and Environmental Security

A.K. Biswas, "Shared Natural Resources: Future Conflicts or Peaceful Development?" in R.J. Dupuis, ed., *The Settlement of Disputes on Natural Resources* (New York: Martinus Nijhoff, 1983) at 197.

J. Brunnée & S.J. Toope, "Environmental Security and Freshwater Resources: A Case for International Ecosystem Law" (1994) 5 Y.B. Int'l Env. L. 41.

J. Brunnée & S.J. Toope, "Environmental Security and Freshwater Resources: Ecosystem Regime Building" (1997) 91 A.J.I.L. 26.

Jutta Brunnée & Stephen J. Toope, "The Changing Nile Basin Regime: Does Law Matter?" (2002) 43/1 *Harvard International Law Journal* 105-159.

A. Elhance, *Hydro-Politics in the Third World: Conflict and Cooperation in International River Basins* (1999).

T. Homer-Dixon, "Environmental Scarcities and Violent Conflict: Evidence from Cases" (1994) 19 *International Security* 5.

N. Tadros, "Shrinking Water Resources: The National Security Issue of the Century" (1996-1997) 17 *Northwestern Journal of International Law and Business* 1091.

P. Gleick, "Water and Conflict: Fresh Water Resources and International Security" (1993) 18 *International Security* 79.

S. Saad, "For Whose Benefit? Redefining Security" (1991) 2 *Ecodecision* 59.

## 5. Global Commons – Ozone Depletion

### Typology of Problem

J. Brunnée, *Acid Rain and Ozone Layer Depletion: International Law and Regulation* (Dobbs Ferry: Transnational Publishers, 1988) at 34-49.

N.J. Molina & F.S. Rowland, "Stratospheric Sink for Chlorofluoromethanes: Chlorine Atom Catalyzed Destruction of Ozone" (1974) 249 *Nature* 811.

J.G. Titus, ed., *Effects of Changes in Stratospheric Ozone and Global Climate*, [vol. 1: Overview] (U.S. Environmental Protection Agency, 1986).



### Regulating Uncertainty

J. Atik & D. Wirth, "Science and International Trade – Third Generation Scholarship" (2003) Boston College International and Comparative Law Review 171.

D. Bodansky, "Scientific Uncertainty and the Precautionary Principle" (1991) 33 Environment 4.

D. Freestone & E. Hey, eds., *The Precautionary Principle and International Law: The Challenge of Implementation* (The Hague: Kluwer Law International, 1996) c. 5-9.

O. McIntyre & T. Mosedale, "The Precautionary Principle as a Norm of Customary International Law" (1997) 9 Journal of Environmental Law 221.

A. Trouwborst, *Evolution and Status of the Precautionary Principle in International Law* (Kluwer, 2002).

### South-North Dimension

Nina E. Bafundo, "Compliance with the Ozone Treaty: Weak States and the Principle of Common but Differentiated Responsibility" (2005-2006) 21 Am. U. Int'l. Rev. 461.

D. French, "Developing States and International Environmental Law: The Importance of Differentiated Responsibilities" (2000) 49 Int'l & Comp. L.Q. 35.

B. Ling, "Developing Countries and Ozone Layer Protection: Issues, Principles and Implications" (1992) 6 Tulane Environmental Law Journal 91.

K. Mickelson, "South, North, International Environmental Law, and International Environmental Lawyers" (2000) 11 Y.B. Int'l Env. L. 52.

J.B. Tripp, "The UNEP Montreal Protocol: Industrialized and Developing Countries Sharing the Responsibility for Protecting the Stratospheric Ozone Layer" (1988) 20 New York University Journal of International Law and Politics 733.

V. Williams, "Ozone Depletion, Developing Countries, and Human Rights: Seeking Better Ground on Which to Fight for Protection of the Ozone Layer" 10 Journal of Natural Resources & Environmental Law 83.

### The Role of Customary Law & Treaties

Gilbert M. Bankobeza, *Ozone Protection: The International Legal Regime* (Utrecht: Eleven International Publishing, 2005).

R. Benedick, *Ozone Diplomacy: New Directions in Safeguarding the Planet* (Cambridge, Mass.: Harvard University Press, 1991).

J. Brunnée, *Acid Rain and Ozone Layer Depletion: International Law and Regulation* (Dobbs Ferry: Transnational Publishers, 1988).

D.D. Caron, "Protection of the Stratospheric Ozone Layer and the Structure of International Environmental Law-Making" (1991) 14 *Hastings Int'l & Comp. Law Review* 755.

Matthew J. Hoffman, *Ozone Depletion and Climate Change: Constructing a Global Response* (Albany: State University of New York Press, 2005).

Cass R. Sunstein, "Of Montreal and Kyoto: A Tale of Two Protocols" (2007) 31 *Harv. Env'tl. L. Rev.* 1.

O. Yoshida, *The International Legal Regime for the Protection of the Ozone Layer* (The Hague: Kluwer, 2001)

## 6. Conservation of Natural Resources – Forests

### Typology of Problem

K. Ramakrishna & G.M. Woodwell, eds., *World Forests for the Future: Their Use and Conservation* (New Haven: Yale University Press, 1993).

### Sovereign Resource or Global Commons?

F.P. Anderson, "Of Herdsmen and Nation States: The Global Environmental Commons" 5 *American University Journal of International Law & Policy* 679.

B. Boer, "Developments in International Environmental Law Relating to Forests" (1997) 14 *Environmental and Planning Law Journal* 378.

R. Eshbach, "A Global Approach to the Protection of the Environment: Balancing State Sovereignty and Global Interests" (1994) 4 *Temple Intl & Comp. L.J.* 271.

### "Environment vs. Development?"

A. Diaz, "Permanent Sovereignty over Natural Resources" (1994) 24 *Environmental Policy and Law* 157.

Emeka Duruigbo, "Permanent Sovereignty and Peoples' Ownership of Natural Resources in International Law" (2006) 38 *Geo. Wash. Int'l L. Rev.* 33.

K. Mickelson, "Seeing the Forest, the Trees and the People: Coming to Terms with Developing Country Perspectives on the Proposed Global Forests Convention" in Canadian Council on International Law, ed., *Global Forests and International Environmental Law* (London: Kluwer Law International, 1996) 239

J. Ntambirweki, "The Developing Countries in the Evolution of an International Environmental Law" (1991) 14 *Hastings Int'l & Comp. L. Rev.* 905.

R. Khooshie Lal Panjabi, "The South and the Earth Summit: The Development / Environment Dichotomy" (1992) 11 *Dickinson Journal of International Law* 77.

F.X. Perrez, "The Relationship Between "Permanent Sovereignty" and the Obligation not to Cause Transboundary Environmental Damage" (1996) 26 *Environmental Law* 1187.

H. Shue, "The Unavoidability of Justice" in A. Hurrell & B. Kingsbury, eds., *The International Politics of the Environment* (Oxford: Clarendon Press, 1992) at 373.

L.C.W. Wee, "Debt-for-Nature Swaps, A Reassessment of Their Significance in International Environmental Law" (1994) 6 *Journal of Environmental Law* 57.

#### Designing a Forest Convention

Canadian Council on International Law, ed., *Global Forests and International Environmental Law* (London: Kluwer Law International, 1996).

N. Chalifour, "Global Trade Rules and the World's Forests: Taking Stock of the World Trade Organization's Implications for Forests" (2000) 12 *Geo. Int'l Env'tl. L. Rev.* 575.

Deborah S. Davenport and Peter Wood, "Finding the Way Forward for the International Arrangement on Forests: UNFF-5, -6, and -7" (2006) 15:3 *RECIEL* 316.

D. Humphreys, "The Elusive Quest for a Global Forests Convention," (2005) 14 *RECIEL* 1.

M. Steiner, "After a Decade of Global Forest Negotiations, Where Are We Now?" (2001) 10 *RECIEL* 98.

R. Tarasofsky, *The International Forests Regime: Legal and Policy Issues* (Bonn: IUCN, 1995).

D.G. Victor & J.H. Ausubel, "Restoring the Forests" (2000) 79 *Foreign Aff.* 127.



## 7. The Global Commons – Climate Change

### The Climate Change Debate and the United States

C. Carlane, "Climate Change Policies an Ocean Apart: EU & US Climate Change Policies Compared" (2006) 14 Penn St. Envtl. L. Rev. 435.

D. Hunter, "The Future of U.S. Climate Change Policy," in S. Bernstein, J. Brunnée, D. Duff and A. Green, eds., *A Globally Integrated Climate Policy for Canada* (University of Toronto Press, 2008), 79.

G. Kahn, "The Fate of the Kyoto Protocol under the Bush Administration," (2003) 21 Berkeley J. Int'l L. 548.

R. S. Abate, "Kyoto or Not, Here We Come: The Promise and Perils of the Piecemeal Approach to Climate Change Regulation in the United States" (2006) 15 Cornell J. L. & Pub. Pol'y 369.

E. Shaffner, "Repudiation and Regret: Is the United States Sitting Out the Kyoto Protocol to Its Economic Detriment?" (2007) 37 Envtl. L. 441.

J. B. Wiener, "Think Globally, Act Globally: The Limits of Local Climate Policies" (2006-2007) 155 U. Pa. L. Rev. 1961.

T. Wirth, "Hot Air over Kyoto: The United States and the Politics of Global Warming," (Winter 2002) *Harvard International Review* 72.

### The UNFCCC and the Kyoto Protocol

S. Barrett & R. Stavins, "Increasing Participation and Compliance International Climate Change Agreements," (2003) 3 International Environmental Agreements 349.

S. Bernstein, J. Brunnée, D. Duff and A. Green, eds., *A Globally Integrated Climate Change Policy for Canada* (Toronto: U of T Press, 2007).

D. Bodansky, "The United Nations Framework Convention on Climate Change: A Commentary" (1993) 18 Yale Journal of International Law 451.

C. Breidenich *et al.*, "The Kyoto Protocol to the United Nations Framework Convention on Climate Change" (1998) 92 A.J.I.L. 315.

M. Doelle, "The Cat Came Back, or the Nine Lives of the Kyoto Protocol" (2006) 16 J. Env. L. & Prac. 261.

S.M. Gardiner, "The Global Warming Tragedy and the Dangerous Illusion of the Kyoto Protocol," (2004) 18 *Ethics & International Affairs* 23.



M. Grubb & F. Yamin, "Climatic collapse at The Hague: what happened, why, and where do we go from here?" (2001) 77 Int'l Affairs 261.

S. Oberthür & H. Ott, *The Kyoto Protocol: International Climate Policy for the 21<sup>st</sup> Century* (1999).

D.G. Victor, *The Collapse of the Kyoto Protocol and the Struggle to Slow Global Warming* (2001).

D.A. Wirth, "The Sixth Session (Part Two) and Seventh Session of the Conference of the Parties to the Framework Convention on Climate Change," (2002) 96 Am.J.Int'l L. 648.

### The Kyoto Mechanisms

M. Doelle, "Global Carbon Trading and Climate Change Mitigation in Canada" in S. Bernstein, J. Brunneé, D. Duff and A. Green, eds., *A Globally Integrated Climate Change Policy for Canada* (Toronto: U of T Press, 2007), 179.

J. Donehower, "Analyzing Carbon Emissions Trading: A Potential Cost Efficient Mechanism to Reduce Carbon Emissions" (2008) 38 Env'tl. L. 177

D. Driesen, "Free Lunch or Cheap Fix? The Emissions Trading Idea and the Climate Change Convention" (1998) 26 Boston College Env't. Aff. L. Rev. 1.

J. Werksman, "Greenhouse Gas Emissions Trading and the WTO" (1999) 8 Review of European and International Environmental Law 251.

F. Yamin, "The Kyoto Protocol: Origins, Assessment and Future Challenges" (1998) 7 Review of European and International Environmental Law 113.

F. Yamin, "Equity, Entitlements, and Property Rights under the Kyoto Protocol: The Shape of Things to Come" (1999) 8 Review of European and International Environmental Law 265.

### The Compliance Regime

J. Brunneé, "A Fine Balance: Facilitation and Enforcement in the Design of a Compliance Regime for the Kyoto Protocol" (2000) 13 Tulane Environmental Law Journal 223.

J. Brunneé, "The Kyoto Protocol: A Testing Ground for Compliance Theories?" (2003) 63/3 *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht (Heidelberg Journal of International Law)* 255-280.

M. Doelle, "Climate Change and the WTO: Opportunities to Motivate State Action on Climate Change through the World Trade Organization," (2004) 13 *RECIEL* 85.

A. Halvorssen & J. Hovi, "The nature, origin and impact of legally binding consequences: the case of the climate regime" (2006) 6 *International Environmental Agreements: Politics, Law and Economics* 157.

O. Schram Stokke, J. Hovi & G. Ulfstein, eds. *Implementing the Climate Regime: International Compliance* (Sterling, VA: Earthscan, 2005).

### South-North Issues

Kevin A. Baumert, "Participation of Developing Countries in the International Climate Change Regime: Lessons for the Future" (2006) 38 *Geo. Wash. Int'l L. Rev.* 365.

P. Cullet, "Equity and Flexibility Mechanisms in the Climate Change Regime: Conceptual and Practical Issues" (1999) 8 *Review of European and International Environmental Law* 168.

J. Gupta, "North-South Aspects of the Climate Issues: Towards a Constructive Negotiating Package for Developing Countries" (1999) 8 *Review of European and International Environmental Law* 198.

L. Rajamani, "China and India on Climate Change and Development: A Stance That IS Legitimate But Not Sagacious" in S. Bernstein, J. Brunneé, D. Duff and A. Green, eds., *A Globally Integrated Climate Change Policy for Canada* (Toronto: U of T Press, 2007), 104.

J. Timmons Roberts & B.C. Parks (eds.), *A Climate of Injustice: Global Inequality, North-South Politics, and Climate Policy* (Cambridge, MA: MIT Press, 2007).

F. L Tóth (ed.), *Fair Weather? Equity Concerns in Climate Change* (London: Earthscan, 1999).

### 8. Cross-Cutting Issues – Trade and Environment

#### From the GATT to the WTO

E. Brown Weiss & J. Jackson, *Reconciling Environment and Trade* (New York: Transnational Publishers, 2001).

S. Charnovitz, "The WTO, Trade and the Environment" in G. Sampson & J. Whalley, eds, *The WTO, Trade and the Environment* (Cheltenham: Edward Elgar, 2005) 413.

S. Charnovitz, "The WTO's Environmental Progress" (2007) 10 *Journal of International Economic Law* 685.

J.L. Dunoff, "Reconciling Trade with Preservation of the Global Commons: Can We Prosper and Protect?" (1992) 49 Washington and Lee Law Review 1407.

A. Durbin, "Trade and Environment: The North-South Divide" (1995) 37 Environment 16.

D.C. Esty, *Greening the Gatt: Trade, Environment, and the Future* (Washington: Institute for International Economics, 1994) c. 1-3.

J. Knox, "The Judicial Resolution of Conflicts between Trade and the Environment" (2004) 28 Harvard Envtl. L. Rev. 1.

D.A. Motaal, "Trade and Environment in the World Trade Organization: Dispelling Misconceptions" (1999) 8 Review of European and International Environmental Law 330.

R. Parker, "The Use and Abuse of Trade Leverage to Protect the Global Commons: What We Can Learn from the Tuna Dolphin Dispute" (1999) 12 Georgetown International Environmental Law Review 1.

#### WTO & MEAs

A. Gonzales-Calatayud & G. Marceau, "The Relationship Between the Dispute Settlement Mechanisms of MEAs and of the WTO" (2002) 11 RECIEL 279.

D. Brack & K. Gray, *Multilateral Environmental Agreements and the WTO* (RIIA & IISD, 2003).

R. Eckersley, "The Big Chill: The WTO and Multilateral Environmental Agreements," (2003) 4 Global Environmental Politics 24.

R. Schwartz, "Trade Measures Pursuant to Multilateral Environmental Agreements: Developments from Singapore to Seattle" (2000) 9 RECIEL 63.

#### The Biosafety Protocol

L. Boisson de Chazournes & M.M. Mbebe, "GMOs and Trade: Issues at Stake in the EC Biotech Dispute," (2004) 13 RECIEL 289.

D. Katz, "The Mismatch between the Biosafety Protocol and the Precautionary Principle" (2001) 13 Geo. Int'l Envtl. L. Rev. 951.

R. MacKenzie, "The Cartagena Protocol after the First Meeting of the Parties," (2004) 13 RECIEL 270.

A.H. Qureshi, "The Cartagena Protocol on Biosafety and the WTO: Coexistence or Incoherence?" (2000) 49 Int'l & Comp. L.Q. 835.



James F. Smith, "From Frankenfood to Fruit Flies: Navigating the WTO/SPS" (2000) 6 U.C. Davis J. Int'l L. & Pol'y 1.

T.P. Stewart & D.S. Johanson, "A Nexus of Trade and Environment: The Relationship between the Cartagena Protocol on Biosafety and the SPS Agreement of the World Trade Organization" (2003) 14 Colo. J. Int'l Env'tl. L. & Pol. 1.

T. Stoll, "Controlling The Risks of Genetically Modified Organisms: The Cartagena Protocol on Biosafety and the SPS Agreement" (1999) 10 Y.B. Int'l Env. L. 82.

## 9. Cross-Cutting Issues – Compliance and Enforcement

### Measuring the Effectiveness of International Environmental Law

R.R. Churchill & G. Ulfstein, "Autonomous Institutional Arrangements in Multilateral Environmental Agreements: A Little-Noticed Phenomenon in International Law" (2000) 94 Am. J. Int'l L. 623.

Gabriela Kütting, *Environment, Society, and International Relations: Towards More Effective International Environmental Agreements* (London & New York: Routledge 2000).

A. Nollkaemper, "On the Effectiveness of International Rules" (1992) 27 Acta Politica 49.

P.H. Sand, ed., *The Effectiveness of International Environmental Agreements: A Survey of Existing Legal Instruments* (Cambridge: Grotius Publications Limited, 1992).

D. Victor *et al.*, eds., *The Implementation and Effectiveness of International Environmental Commitments: Theory and Practice* (Cambridge, Mass: MIT Press, 1998).

O.R. Young, ed., *The Effectiveness of International Environmental Regimes: Causal Connections and Behavioral Mechanisms* (1999).

### State Responsibility & Liability

T. Berwick, "Responsibility and Liability for Environmental Damage: A Roadmap for International Environmental Regimes" (1998) 10 Georgetown International Environmental Law Review 257.

A. Boyle, "State Responsibility and International Liability for Injurious Consequences of Acts Not Prohibited by International Law: A Necessary Distinction?" (1990) 39 Int'l & Comp. Law Quarterly 1.

A. Boyle, "Globalising Environmental Liability: The Interplay of National and International Law," (2005) 17 J of Environmental Law 3.

A. Daniel, "Civil Liability Regimes as a Complement to Multilateral Environmental Agreements: Sound International Policy or False Comfort?" (2003) 12 *RECIEL* 225-241.

P.M. Dupuy, "The International Law of State Responsibility: Revolution or Evolution?" (1989) 11 *Michigan Journal of International Law* 105.

United Nations (International Law Commission), *Articles on Responsibility of States for Internationally Wrongful Acts* [provisionally adopted by the Commission on second reading, UN. Doc. A/CN.4/602 (June 2001).

### Corporate Social Responsibility & Accountability

E. Morgera, "From Stockholm to Johannesburg: From Corporate Responsibility to Corporate Accountability for the Global Protection of the Environment?" (2004) 13 *RECIEL* 214-222.

M.-C. Cordonier-Segger, "Sustainability and Corporate Accountability Regimes: Implementing the Johannesburg Summit Agenda," (2003) 12 *RECIEL* 295-309.

D. Rodrik, *Has Globalization Gone Too Far?* (Institute for International Economics, 1997).

### Promoting Compliance

A.E. Boyle, "Saving the World: Implementation and Enforcement of International Environmental Law" (1991) 3 *Journal of Environmental Law* 229.

J. Brunnée, "Compliance Control Through Active Treaty Management: The Engine that Could?" in G. Ulfstein *et. al.*, eds., *Making Treaties Work: Human Rights, Environment and Arms Control* (Cambridge University Press, 2007) 373.

J. Brunnée, "Enforcement Mechanisms in International Law and International Environmental Law," in *Ensuring Compliance with Multilateral Environmental Agreements: A Dialogue between Practitioners and Academia*, U. Beyerlin *et al.* eds., (Leiden: Brill Academic Publishers, 2006) 1.

J. Brunnée & S.J. Toope, "Persuasion and Enforcement: Explaining Compliance with International Law" (2002) XII *Finnish Yearbook of International Law* 1.

E.B. Weiss & H.K. Jacobson, *Engaging Countries: Strengthening Compliance with International Accords* (Boston: MIT Press, 1998).

A. Chayes & A. Handler Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements* (Cambridge: Harvard University Press, 1995).



K. Danish, "Management v. Enforcement: The New Debate on Promoting Treaty Compliance" (1997) 37 Va. J. Int'l L. 789.

G.W. Downs *et al.*, "Is the Good News about Compliance Good News about Cooperation?" (1996) 50 Int'l Org. 379.

G.W. Downs *et al.*, "The Transformational Model of International Regime Design: Triumph of Hope or Experience?" 38 Columbia Journal of Transnational Law 465.

M. Koskienniemi, "Breach of Treaty of Non-Compliance? Reflections on the Enforcement of the Montreal Protocol" (1992) 3 Yearbook of International Environmental Law 123.

D. Shelton, ed., *Commitment and Compliance: The Role of Non-Binding Norms in the International Legal System* (New York: Oxford University Press, 2000).

#### Normative and Regime – Oriented Approaches Revisited

J.E. Alvarez, "Why Nations Behave" (1998) 19 Mich. J. Int'l Law 303.

Jutta Brunnée, "COPing with Consent: Lawmaking under Multilateral Environmental Agreements," (2002) 15 *Leiden Journal of International Law* 1-52.

P.M. Dupuy, "Soft Law and the International Law of the Environment" (1991) 12 Michigan Journal of International Law 420.

T. Franck, *Fairness in International Law and Institutions* (Oxford: Clarendon Press, 1995).

R. Jennings, "The Role of the International Court of Justice in the Development of International Environmental Protection Law" (1992) 1 Review of European Community and International Environmental Law 240.

B. Kingsbury, "The Concept of Compliance as a Function of Competing Conceptions of International Law" (1998) 19 Mich. J. Int'l Law 345.

H. Hongju Koh, "Why Do Nations Obey International Law?" (1997) 106 Yale Law Journal 2599.

K. Raustiala & A.-M. Slaughter, "International Law, International Relations and Compliance" in Carlsnaes *et al.*, eds., *Handbook of International Relations* (2002).

J. Setear, "An Iterative Perspective on Treaties: A Synthesis of International Relations Theory and International Law" (1996) 37 Harvard International Law Journal 139.

A.M. Slaughter Burley, "International Law and International Relations Theory: A Dual Agenda" (1993) 87 American Journal of International Law 205.



## Selected Sources on International Environmental Law

[N.B.: Over the past few years, an array of sources - document collections, journals, websites - have emerged and the number of sources is growing continuously. The following lists provide only a selection of those sources, placing emphasis on particularly useful sources.]

### 1. Document Collections

P. Birnie & A.E. Boyle, eds., *Basic Documents on International Environmental Law* (Oxford: Oxford University Press, 1995) [K 3583 B375 1995 LAW]

Edith Brown Weiss *et al.*, eds., *International Environmental Law: Basic Instruments and References* (Dobbs Ferry: Transnational Publishers, 1992) [K3583 W45 1992 LAW]

W.E. Burhenne, ed., *International Protection of the Environment: Conservation in Sustainable Development* (1995) [K 3583 A1 I58 1995 LAW]

W.E. Burhenne, ed., *International Environmental Soft Law: Collection of Relevant Instruments* (1993-2003) [K 3583 I58 v.1/v.2 LAW]

David Hunter *et al.*, eds., *International Environmental Law and Policy* (Treaty Supplement) 2<sup>nd</sup> ed. (New York: Foundation Press, 2002). [K3585.3. H86 2002 Suppl. LAW STL]

B. Rüster & B. Simma, eds., *International Protection of the Environment: Treaties and Related Documents* (Dobbs Ferry: Oceana) (vols. I-XXXI, 1975-1983) [K 3583 A1 I58 LAW]

B. Rüster & B. Simma, eds., *International Protection of the Environment: Treaties and Related Documents* (Dobbs Ferry: Oceana) (Looseleaf, 1990-1994) [K 3583 A1 I58 1990 LAW]

P. Sands, ed., *Documents in International Environmental Law*, 2<sup>nd</sup> Ed. (Cambridge: Cambridge University Press, 2004) [K 3583 D63 2004 LAW]

### 2. JOURNALS

*Colorado Journal of International Environmental Law and Policy*  
[K3. 034372 LAW/Hein Online]

*Environmental Policy and Law*  
[K5 .N8674 LAW/IOS Press Online]

*Georgetown International Environmental Law Review*  
[K7 .E6556 LAW/Hein Online]

*International Environment Reporter*  
[K3585.4 1544 Reference File v.1-v.7, v.15-v.30]

*Review of European Community and International Environmental Law (RECIEL)*  
[available at <http://www.ingenta.com/journals/browse/bpl/reel>]

*Yearbook of International Environmental Law*  
[K 3581.2 Y32 1990-2006]

### 3. INTERNET SOURCES

[Many of these sites provide extensive cross-links to other relevant sources and sites; particularly good access sites are highlighted. *Pls. note that the list of sites is up to date as of July 2005.*]

**American Society of International Law (Guide to Electronic Resources for International Law):** <http://www.asil.org/resource/env1.htm>

Bora Laskin Law Library “International Law Guide I: Treaties and Other Sources of International Law”: <http://www.law-lib.utoronto.ca/resguide/rschguid.htm>

Center for International Environmental Law (CIEL) (US): <http://www.ciel.org/>

CIA World Factbook 2008: <https://www.cia.gov/library/publications/the-world-factbook/index.html>

E-Law (International Network of Environmental Lawyers): <http://www.elaw.org/>

European Union (Environment Policy): [http://www.europa.eu.int/pol/env/index\\_en.htm](http://www.europa.eu.int/pol/env/index_en.htm)

**Fletcher School of Law and Diplomacy (Multilaterals Project):** <http://fletcher.tufts.edu/multilaterals.html>

Foundation for International Environmental Law (FIELD) (UK): <http://www.field.org.uk/>

Global Environment Facility (GEF): <http://www.gefweb.org/>

**Globelaw:** <http://www.globelaw.com/sources.htm>

International Centre for Trade and Sustainable Development: <http://ictsd.net/>

**International Institute for Sustainable Development (IISD):** <http://www.iisd.ca>

North American Commission for Environmental Cooperation (NAAEC): <http://www.cec.org/>

**United Nations Environment Programme:** <http://www.unep.org/>

**Global Environment Outlook 2003:** <http://www.unep.org/geo/geo3/index.htm>

**World Resources Institute (WRI):** <http://www.wri.org/>

World Trade Organization (WTO): <http://www.wto.org/>